
OLR Bill Analysis

HB 5062 (as amended by House "A")*

AN ACT CONCERNING THE REMOVAL OF INDIVIDUALS FROM THE STATE CHILD ABUSE AND NEGLECT REGISTRY.

SUMMARY:

This bill establishes a good-cause procedure that people, other than anyone required to register as a sex offender, may use to have his or her name removed from the Department of Children and Families (DCF) child abuse and neglect registry. By law, the registry lists people the DCF commissioner found to be (1) responsible for committing child abuse or neglect and (2) a risk to children's health, safety, or well-being.

Currently, there is no process for someone to have his or her name removed from the registry. Under the bill, a person may file, on a form the DCF commissioner prescribes, to have his or her name removed no earlier than 10 years after the date of the final decision that led to the registration.

When the commissioner approves an application, she must accurately reflect in the registry the information concerning her approval. If she denies the request, the applicant (1) is entitled to both an administrative hearing and subsequent appeal to Superior Court and (2) may reapply no earlier than two years after the hearing decision if he or she (a) can show good cause since then and (b) is not required to register as a sex offender.

*House Amendment "A" extends from five to 10, the number of years before a person becomes eligible to file to have his or her name removed from the child abuse and neglect registry.

EFFECTIVE DATE: July 1, 2014

REMOVAL OF NAME FROM REGISTRY

Under the bill, the DCF commissioner may approve an application to have a name removed from the registry if (1) the applicant can show good cause and (2) the commissioner finds the applicant is not required to register as a sex offender. The application must include a place for the applicant to indicate, under penalty of false statement (see BACKGROUND), whether he or she is required to register as a sex offender with the Department of Emergency Services and Public Protection (DESPP) commissioner. The bill requires the DESPP commissioner to provide the information the DCF commissioner requests to verify whether a person is required to register as a sex offender.

Good cause for removing a name from the registry includes:

1. the applicant's rehabilitation, as shown by (a) his or her personal conduct, (b) no criminal conviction related to a family member or a child during the previous 10 years, (c) no criminal conviction for cruelty to animals or violent conduct related to anyone who is not a family member during the previous 10 years, and (d) letters of support from at least two people who know of the applicant's successful rehabilitation, such as a physician or mental health professional;
2. the applicant's acceptance of personal responsibility for any acts or omissions that caused his or her name to be placed on the registry; and
3. a bona fide need for removing the name, such as finding or keeping a job, licensure, or engaging in activities involving direct contact with children.

ABILITY TO APPLY IF SEX OFFENDER STATUS CHANGES

The bill allows someone previously required to register as a sex offender to file an application to be removed from the child abuse registry if he or she is no longer required to register as a sex offender as of the application date.

BACKGROUND

Child Abuse Registry

DCF maintains a child abuse and neglect registry with the names of individuals against whom DCF has investigated and subsequently substantiated child abuse or neglect. With certain exceptions, DCF does not place a name on the registry until the individual exhausts or waives all appeal opportunities. These include an internal department review, an administrative review as permitted by the Uniform Administrative Procedure Act, and court challenges.

Access to the registry is limited to duly authorized DCF employees for purposes of obtaining information for child abuse and neglect investigations, background checks, and other uses the law permits. In most cases, the subject of the check must give consent before the information can be released.

False Statement

A person is guilty of false statement in the second degree when he or she intentionally makes a false written statement (1) under oath or (2) on a form that legally indicates that making false statements not believed to be true and intended to mislead a public servant in the performance of his or her official function is punishable. False statement in the second degree is a class A misdemeanor punishable by imprisonment for up to one year, a fine of up to \$2,000, or both.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 27 Nay 15 (03/10/2014)